

## **Housing out-of-state inmates in county or private jails**

---

**HB 841 by Stiles/Armbrister**

---

- DIGEST:** HB 841 would have permitted county jails and private correctional facilities to house out-of-state prisoners. All fees would have either been negotiated by the law enforcement agency delivering the inmate and the county commissioners court or been estimated according to laws regulating similar fees in other cases. Out-of-state prisoners who were classified as maximum-security or who had escape records could not have been accepted. All out-of-state prisoners confined in Texas jails would have been returned to the sentencing state prior to being released.
- GOVERNOR'S REASON FOR VETO:** "It is not good public policy to accept prisoners from other states at a time when the State of Texas is not able to efficiently handle its own state prisoners. County jails built upon speculation appear to have been the motivating factor in this legislation. Allowing this bill to become law would have the effect of encouraging further speculative jail building, and one would presume, added pressure to accept more out-of-state prisoners."
- RESPONSE:** Rep. Mark Stiles, author of HB 841, had no comment. Sen. Ken Armbrister, sponsor of HB 831, said: "The reasons she [the governor] gives are totally ridiculous. What we did with this bill is allow the counties to contract for other state's prisoners just like they currently can for federal prisoners." He said HB 841 would not have hurt the state's ability to house its own prisoners because the bill specified that the counties must place a priority on Texas prisoners.
- Sen. Armbrister also said HB 841 would not have resulted in the proliferation of facilities built on the speculation of holding out-of-state prisoners because the bill specifically stated these jails could not confine at any time a number of out-of-state inmates greater than the number of unoccupied beds in the jail on December 1, 1990. The governor's veto, he said, keeps in place current law that has no such cap on building new space. He said the state may experience an increase in the building of jails on speculation of housing federal and out-of-state prisoners, since there is nothing in the law to keep jails from accepting either type of prisoners.

"Someone on the governor's staff gave her extremely wrong information," Sen. Armbrister said.

**NOTES:**

HB 841 was analyzed in the April 3 *Daily Floor Report*.